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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,782	11/13/2000	Larry V. Pederson	44261-4	5537

7590

02/03/2003

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EXAMINER

ROBINSON, DANIEL LEON

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 02/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/710,782

Applicant(s)

PEDERSON ET AL.

Examiner

Daniel I. Robinson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vreman et al. (U.S. Pat. 6,350,275) in view of the admitted prior art of Lam (A summary of Canadian Consensus Guidelines for the Treatment of Seasonal Affective Disorder). Vreman discloses a device for treating circadian rhythm disorders using LEDS that shows many of the features of the claimed invention but does not explicitly claim 2500-7500 LUX. The admitted prior art shows explicitly (page 10 Recommendations) that light intensities greater than 2500 LUX is preferred to treat seasonal disorder.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vreman in view of the prior art as applied to claims 1-3 above, and further in view of the additional admitted prior art from Daylight Technologies. Vreman in view of the admitted prior art ie. Canadian Guidelines does not show a calculator to modulate light exposure. Daylight Technologies shows a calculator (col. 9) to modulate light exposure. It would have been obvious to one of ordinary skill in the art of to use a calculator as taught by Daylight Technologies so as to prevent Jet Lag.

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Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vreman in view of Canadian Guidelines as applied to claims 1-3 above, and further in view of Whitaker(U.S.Pat.5,197,941). Vreman in view of Canadian Guidelines does not show a first and second parts pivotally connected. Whitaker discloses a portable device for controlling circadian rhythm disorders. It would have been obvious to one of ordinary skill in the art at the time of the claimed invention to use a housing as taught by Whitaker with the device of Vreman in view of Canadian Guidelines because the lid 27 forms a reflective surface.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vreman in view of Canadian Guidelines as applied to claims 1-3 above and further in view of Gerdt(U.S.Pat.6,235,046). Vreman in view of Canadian Guidelines does not show a car driver using a light emitting device. Gerdt discloses a light source that shows a driver using the device. It would have been obvious to one of ordinary skill in the art to provide a light source to a driver because the device suppresses melatonin and therefore tiredness.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hyman, Hughes, Zarate, Kittelsen, Seki, Campbell, Jalliet, Jalliet'977, and Hughes'217 are cited to show structure similar to the claimed invention.

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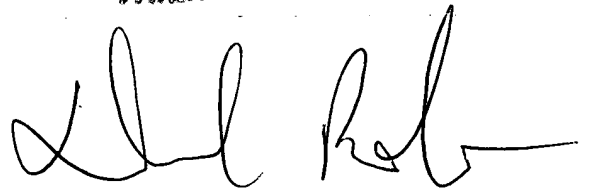
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel I. Robinson whose telephone number is 703 306-9043. The examiner can normally be reached on M-F 5:30am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on 703 308-1327. The fax phone numbers for the organization where this application or proceeding is assigned are 872-9302 for regular communications and 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-0861.

dlr
January 30, 2003

DANIEL ROBINSON
PATENT EXAMINER

A handwritten signature in black ink, appearing to read 'D. I. Robinson', written over the printed name and title.